

SUMMARY MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
March 13, 2013

REGULAR MEETING

Darien Town Hall - Room 206 – 7:46 to 9:49 PM

ZBA members present: Chuck Deluca, Vic Capellupo, Rich Wood, Ruth Anne Ramsey and Stephen Olvany

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

OPENING

ZBA Vice Chair Chuck Deluca opened the meeting at 7:46 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENTS AND CONTINUATIONS

Mr. Deluca announced that the Public Hearing of Calendar No. 56-2012, the application of Lawrence J. Loustaunau and Architectural Woodworks on behalf of Louis Benedetto, 000 Raymond Street, is re-opened and immediately re-continued without testimony to April 10, 2013 at the applicant's request.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 4-2013 - the application of Nina Cuccio Peck on behalf of John W. and Anne S. Geissinger filed on January 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the expansion of an existing one story garage; Section 406: 23.5 in lieu of 25.0 foot minimum required side yard setback. The property is situated on the north side of Sylvan Road approximately 300 feet east of the intersection of Brookside Road and Sylvan Road and is found on Assessor's Map #4 as Lot #76, being 9 Sylvan Road and located in the R-1 (residential) Zone.

Architect Nina Cuccio Peck and John Geissinger answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 5-2013 - the application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Richard E. and Cornelia P. Thornburgh filed on January 16, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the construction of a replacement in-ground swimming pool with deck and a basement; Section 406: 17.0 in lieu of 40.0 feet minimum required rear yard setback; and Section 825: construction of basement space at 9.0 in lieu of 12.0 feet minimum required floor elevation. The property is situated on the south side of the common driveway at the end of Candlewood Lane approximately 400 feet southwest of the intersection of Hawthorne Road and Candlewood Lane and is found on Assessor's Map #62 as Lot #71, being One Candlewood Lane and located in the R-1 (residential) Zone.

Attorney Bob Maslan, Architect Mary Beth Woods and Landscape Architect Alice Eckerson answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 6-2013 - the application of Stephen and Geraldine Butkovsky filed on January 16, 2013 for a variance of Section 406 or 386-b of the Darien Zoning Regulations; to allow the construction of a replacement one story detached garage; Section 406: 16.9 in lieu of 25.0 feet minimum required side yard setback and 38.5 in lieu of 40.0 feet minimum required rear yard setback; or Section 386-b: restoration of a damaged structure which cost exceeds 50% of its current fair market value. The property is situated on the south side of Old Kings Highway South approximately 130 feet east of the intersection formed by Boston Post Road and Old Kings Highway South and found on Assessor's Map #49 as Lot #48, being 259 Old Kings Highway South and located in the R-1 and R-1/2 (residential) Zones.

Jeff Bukovsky answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 7-2013 - the application of Jan and Charles Raymond filed on February 13, 2013 for a variance of Section 416 of the Darien Zoning Regulations; to allow the raising of the existing residence; Section 416: 22.9 in lieu of 30.0 feet minimum required front yard setback; 12.8 in lieu of 15.0 feet minimum required north side yard setback; 14.6 in lieu of 15.0 feet minimum required south side yard setback; and construction of additional building volume on a lot with 21.1 in lieu of 20.0% maximum allowable building coverage. The property is situated on the east side of Waverly Road approximately 400 feet north of the intersection formed by Baywater Drive and Waverly Road and found on Assessor's

Map #55 as Lot #34, being 11 Waverly Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

Jan Raymond answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 8-2013 - the application of Robert and Katherine Lavin filed on February 13, 2013 for a variances of Sections 331 and 402 of the Darien Zoning Regulations; to allow the existing residence to remain until the proposed replacement residence is completed; Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The property is situated on the east side of Middlesex Road approximately 300 feet south of the intersection of Saddle Ridge Road and Middlesex Road and found on Assessor's Map #6 as Lot #158, being 480 Middlesex Road and located in the R-2 (residential) Zone.

Rob Lavin answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Jennifer Starr, neighbor, questioned an aspect of the application. The Public Hearing was then closed.

CALENDAR NO. 9-2013 - the application of Chad Nehring, AIA and Nehring + Associates Architecture LLC on behalf of Andrew and Jessica Black filed on February 13, 2013 for variances of Sections 416 of the Darien Zoning Regulations; to allow the raising of the existing residence and the construction of substantial additions and alterations; Section 410: 20.5 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the north side of Shipway Road at the northwest corner of the intersection formed by Waverly Road and Shipway Road and found on Assessor's Map #57 as Lot #29, being 4 Shipway Road and located in the R-NBD (Noroton Bay District - Residential) Zone.

Architect Chad Nehring answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 4-2013 - The application of Nina Cuccio Peck on behalf of John W. and Anne S. Geissinger, 9 Sylvan Road. Upon a motion by Ruth Anne Ramsey, seconded by Rich Wood, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

CALENDAR NO. 5-2013 - The application of Robert F. Maslan, Jr., Esq. and Maslan Associates PC on behalf of Richard E. and Cornelia P. Thornburgh, One Candlewood Lane. It was noted that with an adjustment to the proposal a variance of Section 825 is no longer necessary. Upon a motion by Stephen Olvany, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance of Section 406.

CALENDAR NO. 6-2013 - The application of Stephen and Geraldine Butkovsky, 259 Old Kings Highway South. Upon a motion by Stephen Olvany, seconded by Ruth Anne Ramsey, the ZBA voted 4-1 to GRANT WITH STIPULATIONS the above delineated, requested variance. Chuck Deluca, Rich Wood, Ruth Anne Ramsey and Stephen Olvany voted in favor of the motion. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is granted with stipulations.

CALENDAR NO. 7-2013 - The application of Jan and Charles Raymond, 11 Waverly Road. Upon a motion by Chuck Deluca, seconded by Stephen Olvany, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance.

CALENDAR NO. 8-2013 - The application of Robert and Katherine Lavin, 480 Middlesex Road. Upon a motion by Rich Wood, seconded by Chuck Deluca, the ZBA voted 4-1 to DENY the above delineated, requested variances. Chuck Deluca, Vic Capellupo, Rich Wood and Stephen Olvany voted in favor of the motion. Ruth Anne Ramsey was opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is denied.

CALENDAR NO. 9-2013 - The application of Chad Nehring, AIA and Nehring + Associates Architecture LLC on behalf of Andrew and Jessica Black, 4 Shipway Road. Upon a motion by Ruth Anne Ramsey, seconded by Stephen Olvany, the ZBA voted 5-0 to GRANT the above delineated, requested variance.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Approval of Minutes of meeting on January 16, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Stephen Olvany, Jeff Williams, Rich Wood and Ruth Anne Ramsey.

Upon a motion by Vic Capellupo, seconded by Stephen Olvany, the ZBA voted 4-0 to APPROVE the subject minutes. Vic Capellupo, Stephen Olvany, Rich Wood and Ruth Anne Ramsey voted in favor of the motion. Gary Greene and Jeff Williams also indicated their approval.

General discussion of Recent Recommendations to the P&ZC, Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.

ZBA staff reviewed the current status of the P&ZC consideration of regulation changes proposed for the Noroton Bay district and the status of regulation changes recommended by the ZBA.

ADJOURNMENT

The meeting was adjourned at 9:49 PM.

These Meeting Minutes,
Respectfully submitted March 14, 2013,
by Robert Woodside,
Code Compliance Officer
ZBA Staff

These Minutes were reviewed by the attending ZBA members, modified as necessary and upon a motion by Ruth Anne Ramsey, seconded by Vic Capellupo, approved by a vote of 4-0 at the ZBA meeting on April 24, 2013. Vic Capellupo, Chuck Deluca, Stephen Olvany and Ruth Anne Ramsey voted in favor of the motion.